IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.269 OF 2005
IN
WRIT PETITION NO.5356 OF 2004

Patiraj Julai Pal ... Appellant

Vs.

The Municipal Corporation of Greater Bombay. ... Respondents

Mr.R.D. Misra for the appellant.

Ms. Nisha Dabhade for the respondents.

CORAM : SMT. RANJANA DESAI & D.B. BHOSALE, JJ.

DATED : 1ST FEBRUARY, 2006.

P.C.:-

1. The order dated 16/8/2004 passed by the learned single judge in Writ Petition No.5356 of 2004 is impugned in this letters patent appeal. The question, which was considered by the learned single judge was whether there was sufficient evidence to establish the fact that the appellant was occupying the disputed structure for residence prior to February, 1986.

2. We find from the impugned order that the learned single judge has considered this issue in its proper perspective. All vital pieces of evidence have been taken into consideration. The learned single judge has noted that the ration card was issued to the appellant on 15/5/1986, which is after February, 1986 upon filing of the earlier writ petition. The learned single judge has correctly noted that the finding of facts which is put in issue cannot be interfered with. We find no infirmity in the impugned order. The appeal is rejected.

[SMT. RANJANA DESAI, J.]

[D.B. BHOSALE, J.]